

## **REMARKS**

### **INTRODUCTION:**

In accordance with the foregoing, claims 25-28 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-28 are pending and under consideration. Claims 1-20 are allowed.

### **REJECTIONS UNDER 35 U.S.C. § 102:**

*Claims 21 and 22 are rejected under §102 as being anticipated by Stayt.*

Independent claim 21 recites that the reference laser diode is operated at temperatures lower than or equal to ordinary temperature. The Examiner relies upon col. 5, ln. 60 to col. 6, ln. 39 of the reference as disclosing this feature. However, this portion discloses a laser array 110 including a control laser element 150. Temperature data of the control laser element 150 is input into a closed feedback loop 700 to adjust the control laser element 150 to output 160 at the desired wavelength. Stayt, col. 6, ln. 26-34. However, there is no disclosure that the control laser element 150 is operated at temperatures lower than or equal to ordinary temperature.

The Examiner also relies upon col. 7, ln. 1 to col. 8, ln. 3 of the reference. However, this portion discloses that the temperature of the control laser element 150 is monitored by the temperature sensor 190. Stayt, col. 8, ln. 5-9. However, there is no disclosure that the control laser element 150 is operated at temperatures lower than or equal to ordinary temperature.

Accordingly, withdrawal of the rejection is requested.

### **REJECTIONS UNDER 35 U.S.C. § 102:**

*Claims 21 and 22 are rejected under §102 as being anticipated by Volz.*

This reference does not disclose that the reference laser diode is operated at temperatures lower than or equal to ordinary temperature. The Examiner relies upon col. 4, ln. 13-23 of the reference. However, this portion appears to disclose that as temperature rises, the laser wavelength increases. Volz, col. 4, ln. 14-15. However, there is no disclosure regarding a particular desired temperature, i.e., that a reference laser diode is operated at temperatures lower than or equal to ordinary temperature.

The Examiner also relies upon col. 6, ln. 21 to col. 7, ln. 13 of the reference. However, this portion discloses that the temperature is controlled by the servo system 800, is sampled by analog-to-digital converter 814 and sustained at an "acceptable level." Volz, col. 6, ln. 50-58. However, there is no disclosure that the "acceptable level" is lower than or equal to ordinary temperature.

The Examiner also relies upon col. 7, ln. 14-30 of the reference. This portion also appears to refer to the 'acceptable level' and that this temperature may be learned during factory calibration. However, there is no disclosure that the "acceptable level" is lower than or equal to ordinary temperature.

- Accordingly, withdrawal of the rejection is requested.

#### **REJECTIONS UNDER 35 U.S.C. § 103:**

*Claims 23 and 24 are rejected under §103 in view of Volz/Eda and Stayt/Eda.*

The comments above also apply here. Eda does not overcome the above deficiencies in Volz and Stayt. Accordingly, withdrawal of the rejection is requested.

#### **NEW CLAIMS**

New claims 25-28 are added and are patentable over the cited references at least for similar reasons as discussed above.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal, since it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner's contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

12-21-04

By: \_\_\_\_\_



Michael J. Badagliacca  
Registration No. 39,099

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501